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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

AMERICAN IMMIGRATION COUNCIL,  
*et al.*,

Plaintiffs,

v.

UNITED STATES CITIZENSHIP AND  
 IMMIGRATION SERVICES, *et al.*,

Defendant.

No. 4:20-cv-03266-DMR

**JOINT REQUEST TO CONTINUE  
 FURTHER CASE MANAGEMENT  
 CONFERENCE; ORDER (AS MODIFIED)**

**Current CMC Date: October 5, 2022 Time:  
 1:30 p.m.**

Plaintiffs American Immigration Council, American Immigration Lawyers Association, and Human Rights Watch (“Plaintiffs”) and defendants United States Citizenship and Immigration Services, United States Customs and Border Protection, and United States Immigration and Customs Enforcement (“Defendants”), by and through their undersigned counsel, hereby STIPULATE and respectfully REQUEST that the Court vacate and continue the Case Management Conference (“CMC”), presently scheduled for October 5, 2022, until December 7, 2022 or as soon thereafter as the Court is available.

This action, filed on May 13, 2020 under the Freedom of Information Act (“FOIA”), concerns four FOIA requests that Plaintiffs directed to Defendants regarding the Migrant Protection Protocols (“MPP”). *See* Dkt. 1. The parties previously submitted a Joint Case Management Statement on September 22, 2021 (Dkt. 43).

On January 21, 2021, the Department of Homeland Security suspended new enrollments in the MPP pending further review of the program. On February 11, 2021, DHS announced a plan to process into the United States certain individuals who had been returned to Mexico under MPP and have pending cases before the Executive Office for Immigration Review. On June 1, 2021, the Secretary of Homeland Security made a determination that MPP be terminated. On August 13, 2021, U.S. District Court Judge Kacsmaryk issued a nationwide injunction for the reinstatement of MPP. *See Texas v. Biden*, No. 2:21-CV-067-Z, 2021 WL 3603341 (N.D. Tex. Aug. 13, 2021). On December 13, 2021, the U.S. Court of Appeals for the Fifth Circuit upheld the district court's order. *See Texas v. Biden*, 20 F.4th 928 (5th Cir. 2021). On June 30, 2022, the Supreme Court of the United States reversed the Fifth Circuit's decision and remanded the case for further proceedings, holding that the present administration's rescission of the MPP constituted a valid final agency action. *Biden v. Texas*, 142 S. Ct. 2528 (2022). In light of this decision, the parties understand that the MPP will not be implemented going forward.

The parties have agreed that, in light of the decision in *Biden v. Texas*, the only remaining issue to be resolved is Plaintiffs' request for documents containing daily situational reports from Defendant U.S. Customs and Border Protection ("CBP"). CBP has agreed to provide these documents subject to appropriate FOIA redactions. Once the documents are provided to Plaintiffs, the parties will meet and confer regarding any objections to these redactions and propose a briefing schedule for any objections that cannot be resolved through the meet and confer process. Plaintiffs will not seek attorney's fees or costs.

At this point, the parties do not require judicial intervention. The parties previous Joint Case Management Statement (Dkt. 43) remains accurate. Accordingly, the parties request that the CMC scheduled for October 5, 2022, be vacated and continued until December 7, 2022 or as soon thereafter as the Court is available.

SO STIPULATED.

\* \* \*

1 Respectfully submitted,

2 STEPHANIE M. HINDS  
United States Attorney

3 Dated: September 28, 2022

4 By: /s/ Michael A. Keough  
MICHAEL A. KEOUGH  
Assistant United States Attorney  
5 Attorney for Defendants  
6

7 Dated: September 28, 2022

8 By: \*\*/s/ David P. Enzminger  
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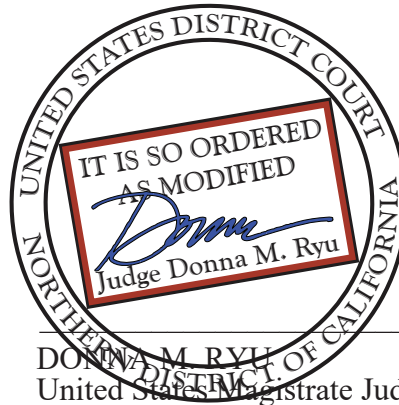
13 \*\* Pursuant to Civ. L.R. 5-1(h)(3), the filer of the document  
14 has obtained approval from this signatory.  
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**ORDER (AS MODIFIED)**

IT IS HEREBY ORDERED that the Further Case Management Conference, presently scheduled for October 5, 2022, is vacated and continued to December 7, 2022 at 1:30 p.m. in Oakland, - by Videoconference. Parties shall file an updated joint case management conference statement by November 30, 2022.

IT IS SO ORDERED AS MODIFIED.

Dated: September 29, 2022



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DONNA M. RYU  
United States Magistrate Judge